



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

1:06CV87LG-RHW

GABRIEL McDOWELL

PETITIONER

VERSUS

CIVIL ACTION NO. ~~1:02cv899WJG-JMR~~

STATE OF MISSISSIPPI, *et al.*

RESPONDENTS

ORDER

BEFORE the Court is Petitioner's petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 on January 26, 2006. Having reviewed the docket entries, this Court finds that the instant civil action was dismissed on November 20, 2003, and has not been reopened. Therefore, the petition filed in the instant civil action on January 26, 2006, must be filed as a separate case and assigned a new civil action number. Accordingly, it is,

ORDERED that the petition for *habeas corpus* relief filed on January 26, 2006, will not be considered by this Court in the instant civil action. It is further,

ORDERED that the Clerk of Court is hereby directed to copy the petition for *habeas corpus* relief filed in the instant civil action on January 26, 2006, and file it as an original new civil action with the file date being the date the clerk enters this order and assign it a new civil action number. It is further,

ORDERED that for purposes of the statute of limitations of this petition for *habeas corpus* relief the file date is January 26, 2006. It is further,

ORDERED that a copy of this order be entered in the new civil action.

SO ORDERED this the 13th day of February, 2006.

Walter J. Gex III
UNITED STATES SENIOR DISTRICT JUDGE